HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.78, 79 and 80 of 2007

Dated:03.01.2007

W.P.No.78 of 2007

Between:

Uppili Chinnamma and others.

…Petitioners

and

Mandal Revenue Officer and another.

…Respondents

W.P.No.79 of 2007

Between:

Marupilla Jyothi and others.

…Petitioners

and

Mandal Revenue Officer and another.

…Respondents

W.P.No.80 of 2007

Between:

S. Vasu and others.

…Petitioners

and

Mandal Revenue Officer and another.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.78, 79 and 80 of 2007

COMMON ORDER:

The petitioners herein purchased agricultural land under registered sale deeds. The land is comprised in survey Nos.16 to 24 situated at Gandigudam Village, Anandapuram Mandal, Visakhapatnam District. The sale deeds were obtained by the petitioners during the period from 1980 to 1985. The first respondent, Mandal Revenue Officer, Anandapuram Mandal, initiated action under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1971 ('the Act', for brevity) and the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 ('the Rules', for brevity), calling upon the occupants of the land to show cause as to why the land should not be resumed for contravention of the provisions of the Act. The petitioners alleged that no notice was issued to them and action was initiated only against the original assignees. Therefore, the petitioners herein and others filed W.P.Nos.19541 of 2006 and batch. Having noticed that notice as required under Rule 3 of the Rules was not issued to the petitioners, this Court gave liberty to the petitioners to appear before the first respondent and file detailed explanation. The first respondent was also directed to consider the explanation and pass appropriate orders. After the orders of this Court, dated 20.09.2006, the first respondent purportedly and allegedly conducted enquiry, inspected the disputed land and issued proceedings, dated 10.10.2006, ordering resumption of the land from the petitioners to the Government for contravention of the provisions of the Act. Aggrieved by the same, the petitioners preferred appeals under Section 4-A of the Act before the second respondent. They also moved applications for stay of further proceedings pursuant to resumption orders, dated 10.10.2006. By impugned orders, dated 25.11.2006, the second respondent rejected the prayer for stay. Aggrieved by the same, the present Writ Petitions are filed.

With the assistance of the learned Senior Counsel for the petitioners, this Court has perused the elaborate order, dated 10.10.2006, passed by the first respondent ordering resumption. In paragraph 1 at page 2 of the impugned order, the Mandal Revenue Officer records that all the petitioners purchased the property under registered sale deeds. In

the operative portion of the order, the Mandal Revenue Officer directed the Mandal Revenue Inspector, Anandapuram, to take physical possession of the land after evicting the persons in possession of the land. From this, an inference can be drawn that the possession of the petitioners as on the date of resumption order passed by the first respondent stands unrebutted. In such a situation, if the orders of the Mandal Revenue Officer are not stayed and pursuant thereto the petitioners are evicted, the appeals would be rendered useless. Therefore, this Court is of considered opinion that the second respondent should be directed to dispose of the appeals within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity to the petitioners and there shall be *status quo* as on today, till disposal of the appeals.

The Writ Petitions, with the above observations, are accordingly disposed of. No costs.

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(V.V.S.RAO, J)

03.01.2007
GJ